## UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

JAMES JILEK, on behalf of himself	)
and all others similarly situated,	)
Plaintiff,	)
v.	) Case No. 3:23-cv-00818-RJC DCK
COMPASS GROUP USA, INC., d/b/a CANTEEN,	) ) )
Defendant.	) ) )

## PLAINTIFF'S REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE SURREPLY IN OPPOSITION TO MOTION TO STRIKE

Compass states, incorrectly, that Plaintiffs' arguments in support of this motion were fully addressed in Compass' Motion to Strike, Doc. #297, and Plaintiff's Motion for Class Certification, Doc. #293. Response in Opp. to Plff's Motion for Leave to File Surreply ("Response"), Doc. #314. The Motion seeks a surreply to acknowledge errors in Plaintiff's Response to the Motion to Strike and supporting declaration (Doc. #303, 303-1) regarding when Compass disclosed the existence of vending machine photographs, as well as to refute Compass' argument that it had put Plaintiff on notice that its machine survey had errors before it served Martha Morgan's Declaration on June 27, 2023, and to address why Plaintiff's misstatements regarding photos do not warrant granting the motion to strike. None of this was addressed in the prior briefing, and Compass' Response does not cite any specific portion of any brief to demonstrate otherwise.

Dated: July 18, 2024 Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that on July 18, 2024, the foregoing was served upon all counsel of record via electronic mail.

/s/ Richard S. Cornfeld